

## **REMARKS**

### **Summary**

Prior to entry of the foregoing amendment, Claims 1-10 were pending (Claim 11-13 had previously been cancelled), with Claims 1, 4 and 6-9 being independent claims. Claims 4, 5, 7 and 9-10 have been cancelled without prejudice or disclaimer. Claims 1, 6 and 8 have been amended without adding new matter. Upon entry of the foregoing amendment, Claims 1-3, 6 and 8 are pending, with Claims 1, 6 and 8 being independent claims and the remaining claims, i.e., Claims 2 and 3 being dependent claims.

### **Claim Rejections Under 35 U.S.C. § 102 and 35 U.S.C. § 103**

Claims 1-4 and 6-10 were rejected under 35 U.S.C. § 102(e) as being anticipated by Zeng (U.S. Published Patent Application No. 2002/0159081) (hereinafter, "Zeng").

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Zeng further in view of Claim 4, and further in view of Horie et al. (U.S. Patent No. 5,113,252) (hereinafter, "Horie et al.").

Claim 1 includes features of "determining, when a black-printing compensation is applied and the input color data indicates a simple black color, output color data for the simple black color having a lightness level equivalent to a lightness level of the input color data, based on the determined relationship between lightness levels and black color" and "determining, when the black-printing compensation is not applied or when the black-printing compensation is applied and the input color data does not indicate the simple black color, output color data for a non simple black color."

By virtue of the features recited in Claim 1, it is possible to determine, when the black-printing compensation is applied and the input color data indicates the simple black color, the output color data for the simple black color having the lightness level equivalent to the lightness level of the input color data, based on the determined relationship between lightness levels and black color.

On the other hand, the Zeng reference teaches a method for converting source color data (CMYK) into destination color data (C'M'Y'K'). More specifically, Zeng describes converting the source color data (CMYK) into PCS and K data, calculating the gamut-corrected output PCS' color data from the converted PCS, calculating output K' having the same lightness from the converted K data, and obtaining the destination color data (C'M'Y'K') using the calculated PCS' color data, the calculated output K', and the PCS+K look-up table 80 to determine output C'M'Y'K' color data.

However, the Zeng reference fails to disclose the above-described features of Claim 1. To begin with, the Zeng reference does not teach that the determined output color varies depending on whether “when the black-printing compensation is applied and the input color data indicates the simple black color” and “when the black-printing compensation is not applied or when the black-printing compensation is applied and the input color data does not indicate the simple black color.”

Furthermore, the Zeng reference does not teach determining the simple black color as the output color when the black-printing compensation is applied and the input color data indicates the simple black color. The destination color data (C'M'Y'K') defined in the Zeng reference is different from the output color data for the simple black color having the lightness level equivalent to the lightness level of the input color data as defined in Claim 1. It is obvious from the description, in paragraph [0036] of the Zeng reference, that C'M'Y'K' color data 72 output from the PCS+K look-up table 80 is perceptually accurate.

Moreover, there is a problem solved in the subject application that occurs by a structure disclosed in the Zeng reference but that cannot be solved in the Zeng reference that the output color cannot be the simple black color when the input color data is the simple black color.

MPEP 2131 states “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” As described above, the Zeng reference does not

teach or suggest all of the features of Claim 1. Accordingly, Claim 1 is not anticipated by the Zeng reference.

Additionally, the Horie et al. reference does not cure the defects of the Zeng reference. Thus, the addition of the Horie et al. reference would not render Claim 1 as obvious.

Accordingly, Claim 1 is believed allowable and Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 1.

Independent Claims 6 and 8 contain features similar to those discussed above with reference to Claim 1 and are believed allowable for at least the same reasons as those discussed above with reference to Claim 1. Accordingly, Claims 6 and 8 are believed allowable. As such, Applicant respectfully requests reconsideration and withdrawal of the rejections of Claims 6 and 8.

The remaining claims (Claims 2 and 3) are dependent claims. As discussed above, all of the independent claims are believed allowable. Therefore, the dependent claims (Claims 2 and 3) are also believed allowable because they depend from an allowable base claim.

Furthermore, each dependent claim is also deemed to define an additional aspect of the invention, and individual consideration of each on its own merits is respectfully requested.

### **CONCLUSION**

Applicant respectfully submits that all of the claims pending in the application meet the requirements for patentability and respectfully requests that the Examiner indicate the allowance of such claims.

Any amendments to the claims which have been made in this response which have not been specifically noted to overcome a rejection based upon prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

If any additional fee is required, please charge Deposit Account Number 502456.

Should the Examiner have any questions, the Examiner may contact  
Applicant's representative at the telephone number below.

Respectfully submitted,

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/Marlene Klein/

Date

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